

Findings of Fact and Statement of Overriding Considerations

SECTION 1. CITY COUNCIL CERTIFICATIONS

In accordance with Section 15090 of the Guidelines, the City Council certifies that:

1. The Final Program EIR has been completed in compliance with CEQA and CEQA Guidelines.
2. The Final Program EIR was presented to the City Council and the City Council reviewed and considered the information contained in the Final Program EIR prior to adopting the proposed Water and Sewer Master Plans Updates.
3. The Final Program EIR reflects the independent judgment of the City Council and contains sufficient information and analysis to allow the City Council to make an informed decision, considering the environmental implication of the proposed project, mitigation measures, and alternatives.
4. The project qualifies as an action that has been determined by the state Legislature pursuant to Section 15273 (Rates, Tolls, Fares, and Charges) to be statutorily exempt from CEQA.

SECTION 2. ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Carlsbad City Council hereby finds that the following potential environmental impacts of the Water and Sewer Master Plans Updates are less than significant and therefore do not require the imposition of mitigation measures. It should be noted the City has included commitments in the project design (called project design features and construction measures) that serve to reduce the environmental impacts of the project. The project design features and construction measures are not included in the Mitigation, Monitoring, and Reporting Program (Exhibit C).

A. Aesthetics

Most projects are below-ground installations and would have no visual effect when completed in existing road rights-of-way (Draft Program EIR, p. 4-8). The large majority of projects would fall in this category, because there would be no permanent visual effects (*Ibid.*). Visual disturbance from construction is short term in nature, and the City has included commitments in the project design to restore road surfaces, in both public and private rights-of-way, to their pre-existing visual condition or better (*Ibid.*).

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Although the City has its own Scenic Corridor Guidelines, it is anticipated that due to the nature of the project, motorists would not be able to view project construction for any substantial length of time. Any project-related lighting would be short-term and would not remain after the construction period. New light sources associated with the project would be regulated by local ordinance and are not expected to result in an intrusion to the surrounding area. Impacts would not be significant (Draft Program EIR, p. 4-5).

Although some of the aboveground projects would be located near scenic vistas in the City, these facilities would be designed to protect those vistas through the use of vegetative screens, fencing, and paint. Also, there are no State scenic highways in the project study area; therefore, no impacts would occur (*Ibid.*). No mitigation is required (*Ibid.*).

Cumulative impacts related to aesthetics for the CIP projects are not considered significant, since they are expected features in the developed landscape, are mostly underground, are modifications to existing facilities, and would receive design review for conformance with community aesthetic standards in future environmental documentation and/or project design review (Draft Program EIR, p. 5-2).

B. Air Quality

All project components would result in less than significant effects for air quality (Draft Program EIR, pps. 4.2-8; 4.2-9; 4.2-10). Also, no long-term effects to air quality are anticipated as a result of implementation of the Master Plan Updates (Draft Program EIR, p. 4.2-9).

Air quality impacts will result primarily from short-term construction activities, emissions from vehicles used by the Districts' employees, the operation of other power-consuming city facilities and from dust generated by surface disturbance to construct the project (Draft Program EIR, pps. 4.2-8; 4.2-9). Heavy equipment (mainly diesel-powered) will generate exhaust emissions from on-site activity (Draft Program EIR, p. 4.2-9).

During construction, it was determined that the active disturbance area on any given day would be no more than approximately 200 feet by 30 feet at any given site, or 0.14 acre. Daily regional PM₁₀ emissions would be approximately 3.5 pounds per day for each area of construction. Even if multiple segments were under construction, the PM₁₀ emissions would still be substantially less than the significance threshold of 150 pounds per day (Draft Program EIR, p. 4.2-8).

PM₁₀ emissions resulting from project construction would be considered less than significant (*Ibid.*). However, the PM₁₀ levels in the San Diego Air Basin (SDAB) are above the state standard; therefore, while PM₁₀ emissions during construction are short-term and less

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than significant, measures are required to minimize the generation of airborne dust to the maximum extent feasible (*Ibid.*). These measures have been incorporated into the project by design (*Ibid.*).

Dust deposited on parked cars, outdoor furniture or other exposed surfaces from construction related activities may create a soiling nuisance. Project design features included in *Table 2-5* of the Draft Program EIR (p. 2-27) would ensure effects would be less than significant (Draft Program EIR, p. 4.2-8).

Total daily construction activity impacts from equipment exhaust and fugitive dust would not likely result in impacts that would exceed identified significance thresholds, and would be less than significant (Draft Program EIR, p. 4.2-9). However, the O₃ and PM₁₀ levels in the SDAB are above national and state AAQS; therefore, while combustion emissions during construction are short-term and less than significant, project design features have been incorporated into the project to reduce effects to the extent feasible (*Ibid.*).

The air basin is currently in a non-attainment zone for ozone and suspended fine particulates. The proposed project would represent a contribution to a cumulatively considerable potential net increase in emissions throughout the air basin (Draft Program EIR, p. 4.2-10). However, emissions associated with the proposed project would be minimal (*Ibid.*). Given the limited emissions potentially associated with the proposed project, air quality would be essentially the same whether or not the proposed project is implemented. The proposed project's contribution to the cumulative impact is not meaningful, and impacts would be less than significant (*Ibid.*).

The proposed project would not result in substantial pollutant emissions or concentrations (*Ibid.*). While sensitive receptors (e.g., schools or hospitals) exist in the vicinity of most of the project components, project design features to limit emissions and dust would help to maintain impacts at less than significant levels (*Ibid.*).

The construction of the proposed project could generate fumes from the operation of construction equipment, which may be considered objectionable by some people. Such exposure would be short-term or transient. In addition, the number of people exposed to such transient impacts is not considered substantial, and odor impacts during construction of the project components would be less than significant (*Ibid.*).

Cumulatively, strategies for the control of both point-source and mobile pollution generation are the responsibility of the APCD. APCD rules and regulations apply uniformly throughout the District and the rest of the air basin and to all potential sources of pollutant emissions. Thus, air pollution control is applied on a cumulative basis. As noted in Section 4.2 of the Draft Program

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EIR, the proposed Master Plan Updates are consistent with the growth assumptions of the regional air quality plan and incorporate all feasible and available air quality control measures through regulation by APCD. Also, the RAQS is based on development as planned under the applicable general plans. The Master Plans are consistent with the planned development as identified in the City of Carlsbad General Plan; therefore, the project is consistent with the RAQS (Draft Program EIR, p. 5-2). Cumulative effects would be less than significant (*Ibid.*).

C. Biological Resources

Fifty-eight of the project components would not result in significant biological resource impacts based on the program level of analysis (Draft Program EIR, p. 4.3-14). The majority of these facilities are located in existing disturbed areas including road rights-of-way. Impacts to biological resources would be less than significant due to the levels of disturbance resulting from previous development activities (*Ibid.*). Impacts would be less than significant to vegetation species and communities, wildlife, wetlands and waters, regional corridors and linkages, and regional resource planning, and no mitigation is required for impacts resulting from the 58 components (*Ibid.*). Additional biological resource impacts are identified in Sections 3 and 4 below.

D. Cultural Resources

A total of 63 cultural resource sites have been identified within the study area (Draft Program EIR, p. 4.4-8). Thirty out of 50 Water Master Plan projects would not result in significant impacts to cultural resources, as they are located in urban and disturbed settings such as within streets or parking lots (Draft Program EIR, pps. 4.4-8, 4.4-9, and 4.4-10). For projects in the Sewer Master Plan Update, 19 out of 34 would not result in significant impacts (Draft Program EIR, p. 4.4-10, 4.4-11, and 4.4-12). Impacts to cultural resources would be less than significant due to the levels of disturbance resulting from previous development activities, and no mitigation is required for impacts for these project components (Draft Program EIR, p. 4.4-8). Additional cultural resource impacts are identified in Section 3 below.

Regarding potential cumulative effects, the City requires an evaluation of cultural resources as a part of environmental review for land development projects needing discretionary approval from the City. As part of that review, all cultural resources sites would be evaluated for importance and, if found to be significant, either preserved or mitigated by the recovery of all relevant scientific information represented by the site. The same procedures are followed by other agencies whose projects may affect cultural resources in the City, such as Caltrans and SDGE. Section 4.4 of the Draft Program EIR established similar mitigation requirements for all Master Plan components that may impact cultural resources. Because this uniform policy is designed in

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each case to reduce impacts on cultural resources to below a level of significance on site-specific basis, cumulative impacts would be less than significant (Draft Program EIR, p. 5-3).

E. Geology and Soils

At this program level of analysis, the actual level of impact to geology and soils cannot be determined (Draft Program EIR, p. 4.5-5). That is, project components would require site-specific geotechnical studies for engineering and design, which would determine the actual level of environmental impact (Ibid.). These future geotechnical investigations will describe site-specific conditions and suggest mitigation measures for the issues outlined in the Program EIR. As such, impacts would be presumably reduced to less than significant at the project level once detailed project data can be assessed and mitigation measures are implemented (Ibid.). No unmitigable significant effects are anticipated (Ibid.).

Potentially significant construction-related impacts associated with the Master Plan Updates include encountering unstable soil and rock conditions and exposure of oversize rock material during grading (Ibid.). The design of each project component would be accompanied by a geotechnical evaluation that would indicate if such hazards were present. If the geotechnical study so indicated, the proposed facility site would be relocated to a nonhazardous area.

The specific soil types each project component will impact at this time are unknown (Ibid.). Assuming a site-specific geotechnical study is completed, additional information regarding content, expansiveness, stability, potential for subsidence and compactibility will be determined during project planning and design. Appropriate mitigation measures would be incorporated into the design to reduce the potential for significant effects. Also, septic tanks or alternative wastewater disposal methods are not proposed as part of the Master Plans. For this program level of analysis, impacts would be less than significant (Ibid.).

During the construction of proposed Master Plan components, erosion could be accelerated which could undermine slopes, create siltation of surface waters, and expose and damage underground facilities (Ibid.). All construction must be performed in accordance with the requirements of the Carlsbad Grading Ordinance, which requires the control of erosion during construction and the stabilization of all disturbed surfaces upon completion of construction. It is not anticipated that the project would result in substantial soil erosion or significant losses of topsoil (Ibid.).

The proposed project components may be locally subject to seismically induced secondary effects related to liquefaction, lateral spreading, local subsidence of soil, and vibrational damage (Draft Program EIR, p. 4.5-6). Pipelines are replaced or rehabilitated typically by trenching and

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backfill, underground. The pipe is supported on bedding material, and at least six to eight inches of clearance is left between the pipe and trench walls. Suitable granular pipe zone material is placed around and on top of the pipe. Backfill must consist of suitable material, free of organic material, debris, and large rocks. This construction method absorbs energy during seismic events and relieves susceptibility to ground motion that would cause rupture of the pipe. Because of the construction specifications described above, impacts associated with seismic hazard are not considered significant (Ibid.).

No project components are located within designated Mineral Resource Zone (MRZ)-1 or MRZ-2 zones (Draft Program EIR, p. 4.5-7). The South Coast Materials Company Carlsbad Quarry and associated MRZ-2 zone are located east of and away from project components. There would not be impacts to the known aggregate resources associated with the quarry (Ibid.). The remaining components of the Master Plans are all located within MRZ-3 zones (Ibid.). Due to the necessity of performing a site-specific geotechnical investigation, additional information regarding the unknown content of MRZ-3 zones will be explored at the time of project-specific detailed planning and engineering studies. Due to the general nature of information available at this program level of analysis, impacts are anticipated to be less than significant (Ibid.).

Regarding cumulative impacts, geologic/soils hazards associated with cumulative development within the City would be evaluated on a site-specific basis (Draft Program EIR, p. 5-4). Geologic and soils impacts and required mitigation would be evaluated on the respective properties and projects on a project-by-project basis through the use of geotechnical reports and Phase I Site Assessments (Ibid.). Therefore, with implementation of recommended mitigation measures on a project-by-project basis, no significant cumulative geologic/soils impacts are anticipated and no mitigation is required (Ibid.).

F. Hazards and Hazardous Materials

The storage of chemicals and use of petroleum fuel will be required for stationary engines present at some of the pump stations during operation of the proposed project (Draft Program EIR, p. 4.6-4). The use, storage, transportation, and disposal of these substances is regulated by the County Department of Hazardous Waste Management, and will be conducted according to all applicable state, federal and local regulations. The adherence to statutory standards and practices of the proposed project components will reduce the risk of an explosion or release of hazardous substances to the environment due to an accident or upset conditions. Also, no use of extremely hazardous materials such as gaseous chlorine or other chemicals is proposed; therefore, impacts would not be significant (Ibid.).

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Several project components would be located within the McClellan-Palomar Airport Influence Area and Flight Activity Zone (FAZ) (Draft Program EIR, p. 4.6-5). The project does not propose “intensive development” involving large groups of people, and a permanent hazard within the airport land use plan would not occur (*Ibid.*). Impacts would not be significant (*Ibid.*). Due to the undeveloped nature of land and potentially flammable materials surrounding several project components, construction would pose a slight risk of wildland fires (Draft Program EIR, p. 4.6-6). The project design feature listed in *Table 2-5* of the Draft Program EIR to prepare a brush management plan and to disseminate fire safety information to construction crews would help to ensure impacts would not be significant (*Ibid.*).

Due to the unknown nature of potential hazardous material sites in the project area and other potential impacts discussed in Section 4.6 of the Draft Program EIR, additional project-level analysis is required to determine the significance of potential hazard effects for all project components (Draft Program EIR, p. 4-6.5). However, with implementation of standard conditions, any potential impacts to hazards and hazardous materials will be reduced to a less than significant level (Draft Program EIR, p. 4.6-4).

Cumulative hazards and hazardous materials impacts and any potential mitigation would be evaluated on a project-by-project basis as minimal information is available at this program level of analysis (Draft Program EIR, p. 5-4). No significant cumulative hazards and hazardous materials impacts are anticipated (*Ibid.*).

G. Land Use and Planning

Most of the projects included in the Master Plan Update are below-ground facilities such as pipelines which are installed in easements or rights-of-way and do not have local land use effects of significance after installation or rehabilitation, except when maintenance is required (Draft Program EIR, p. 4.8-3). No mitigation is required (*Ibid.*).

The Master Plan Updates have been designed to be consistent with and implement the policies of the affected jurisdictional general plan land use elements and community facilities elements in an orderly and integrated fashion (Draft Program EIR, p. 4.8-6). From a standpoint of local land use designations and zoning, all of the project components in the Master Plan Updates are either compatible with local land use regulations or would be compatible, subject to use permit limitations (*Ibid.*).

The coastal zone for the City of Carlsbad is located to the west of El Camino Real. As portions of the proposed project are located to the west of El Camino Real it has the potential to affect the Coastal Zone and will be subject to a Coastal Development Permit. The project would not

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conflict with any existing general plan, coastal plan or any other land use plan or policy (Draft Program EIR, p. 4.8-7). Consequently, no adverse impact to land use planning would result from implementation of the Master Plan Updates and no mitigation is required (Ibid.).

Facilities and improvements proposed in the Master Plan Updates are based on growth and population projections derived from SANDAG population estimates and projections. In the course of preparing the Master Plan Updates, existing, proposed and designated land uses were used to generate the capacity data for the modeling of the systems that revealed deficiencies and indicated the need for improvements or new facilities. The location, capacity, and phasing of projects in the Master Plan Updates conform to existing and planned uses overall (Draft Program EIR, p. 5-5) The Master Plan Updates projects do not affect land use in the affected jurisdiction, but are designed to match the necessary infrastructure for wastewater in support of the land uses (Ibid.).

Adoption of the Master Plan Updates, when considered together with the general plans and other planning for the affected jurisdictions, would not result in significant land use impacts, but would support the jurisdictions' existing land uses, and development in conformance with applicable general plans (Ibid.). No significant cumulative land use impacts would occur with the proposed Master Plan Updates (Ibid.).

H. Agricultural Resources

Implementation of the two Master Plan Updates will not result in significant impacts to agricultural resources (Draft Program EIR, p. 6-4). The project, located mostly within existing or future streets and disturbed areas, would not result in the conversion of important farmlands to non-agricultural uses, and will not conflict with any Williamson Act contracts in the City (Draft Program EIR, pps. 6-4 and 6-5).

I. Energy

The projects proposed in the two Master Plan Updates would not significantly affect local or regional energy supplies, nor would the projects conflict with adopted energy conservation plans (Draft Program EIR, p. 6-5). The proposed power-consuming facilities (*i.e.*, pump stations and lift stations) would incorporate new energy-efficient technologies, which utilize non-renewable resources in an efficient manner. Energy consumption from construction-related activities necessary for development of the proposed facilities would be relatively minor and impacts would not be significant to existing energy resources (Ibid.).

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For some project components, use of SDGE's rights-of-way may be required. In these instances, coordination would be made with SDGE to ensure that the utility provider would be able to adequately access their facilities. It is not anticipated that relocation of any SDGE facilities is required for implementation of the various water and sewer project components. Nonetheless, access and potential relocation issues, as well as grading or encroachment into SDGE rights-of-way, would be determined at the project level of analysis for each project component (Ibid.). Impacts would not be significant at this program level of analysis (Ibid.).

J. Population and Housing

The proposed Master Plan Updates would extend and improve existing water supply and sewer infrastructure within the City in accordance with regional population projections and as needed by the demand that the forecasted additional population would place upon these services. The proposed projects would be phased so that the infrastructure would be developed concurrently with the increased housing demand and population. The Master Plan Updates would not result in significant impacts to the City's projected population and housing needs (Draft Program EIR, p. 6-5).

K. Public Services

The implementation of the Master Plan Updates would not require new services for the following: fire protection, police protection, schools, parks, or other public facilities; no impact would occur (Draft Program EIR, p. 6-5).

The project would not affect existing primary and secondary schools within the area (Draft Program EIR, p. 6-6). Implementation of the project in the manner or location planned would not result in impacts to proposed schools (Ibid.). Additional demands on existing public parks would not occur (Ibid.). New or improved park facilities would not be necessary as a result of implementing the project (Ibid.).

The proposed project would not exceed official regional or local population projections (Ibid.). The size, capacity, and location of all facilities would be based on the population and land use analysis contained in the Master Plan Updates which, in turn, is based on forecast growth identified in the City of Carlsbad General Plan, and systems would be sized appropriately to serve projected service populations (Ibid.).

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L. Recreation

Implementation of the Master Plan Updates may cause potential conflicts with existing parks or recreational uses where facilities are proposed adjacent to these facilities (Draft Program EIR, p. 6-6). Potential conflicts with these types of facilities will be identified in the engineering and design stage of all phases of the project. The Districts are both obligated to coordinate all construction, repair, and maintenance activities with all park and recreation agencies whose facilities may be affected in the planning stage. Consequently, the required coordination with the affected agencies would reduce the potential conflicts to a less than significant level (*Ibid.*). The project would not result in increased demand for recreational uses, or prevent access to parks or recreational facilities (*Ibid.*).

M. Utilities and Service Systems

The proposed projects to be developed with implementation of the two Master Plan Updates would not significantly affect utilities and service systems (Draft Program EIR, p. 6-6). The proposed facilities would not place substantial demands upon the City's utilities such as power and natural gas (*Ibid.*). The project facilities' impacts on the area's communications systems would occur as necessary safety and operating measures. Overall, these would be short-term minor impacts (*Ibid.*).

SECTION 3. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The Carlsbad City Council hereby finds that mitigation measures have been identified in the Draft Program EIR that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts and the mitigation measures that will reduce the impacts to a less than significant level are as follows:

A. Biological Resources

1. Potential Significant Impacts

Twenty-six (out of a total of 84) project components would result in potentially significant impacts to biological resources (Draft Program EIR, p. 4.3-14). Each of these components occurs within or adjacent to known sensitive habitat or species localities and most are within

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designated standards or hardline conservation areas (Ibid.). As such, implementation of each component identified below has the potential to directly or indirectly affect a sensitive resource and/or affect the establishment of an effective regional preserve system (Ibid.).

2. Findings

The Carlsbad City Council hereby finds that with the implementation of the following mitigation measures, potential biological resource impacts will be reduced to the extent feasible:

Following project-level resource mapping and identification of precise implementation methods and location, significant adverse impacts to biological resources can generally be avoided or mitigated through incorporation of one or all of the following measures:

- ! Avoidance and minimization of impacts through project redesign or implementation of construction restrictions including seasonal restrictions (these measures would likely need to be ensured through construction monitoring adjacent to sensitive resource areas);
- ! Conservation of like habitat near to project impact area through dedication of a conservation easement and management endowment; and/or
- ! Enhancement, restoration, and/or creation of habitats affected by the project with methodologies approved by the City and resource agencies.

3. Supporting Explanation

Project components would temporarily and directly impact agriculture, grassland, riparian scrub, riparian forest, oak woodlands, oak riparian forests and eucalyptus woodland habitats during construction of the project (Draft Program EIR, pps. 4.3-14 through 4.3-21). Direct impacts to these vegetation communities are considered significant and mitigation is required.

Direct impacts to wildlife species may occur for project components as a result of habitat removal or specific impacts to individual species (Ibid.). Many components are proposed in habitats that support one if not all life cycle stages of narrow endemic or federally or state-listed threatened or endangered species (Ibid.). Direct impacts to wildlife species are considered significant and mitigation is required (Ibid.).

Indirect impacts to wildlife species would occur as a result of both construction and operation of the project components (Ibid.). Indirect impacts would be associated with an increase in human presence and noise generated from construction (Ibid.). Indirect impacts associated with increased human presence as a result of potential new maintenance roadways or paths would

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occur once construction is complete (Ibid.). An increased ability for humans to access sensitive habitat areas can increase the chances for illegal hunting or harvesting in addition to general disturbance (Ibid.). These potential indirect impacts are considered significant, and mitigation is required (Ibid.).

Project components may impact wetland and water resources during project rehabilitation and maintenance activities (Ibid.). Direct impacts to wetlands, including draining, filling or otherwise manipulating the natural hydrologic regime or vegetative community, are considered significant, requiring mitigation measures to reduce the level of effect (Ibid.).

Project components may indirectly impact wetland and water resources in the form of water pollution as a result of runoff from construction staging areas and permanent maintenance access roads (Ibid.). Indirect impacts to these sensitive resources would be considered significant, requiring mitigation (Ibid.).

Project components may impact designated wildlife corridors within the study area (Ibid.). Although these impacts could be temporarily significant due to obstruction of wildlife pathways or vegetation disruption during construction, all project areas would be covered and vegetation would be restored to its previous condition (Ibid.). Long-term, direct impacts would be less than significant, since no long-term linear barriers to wildlife movement would result (Ibid.).

Implementation of these components within wildlife movement areas could have indirect impacts related to increased human presence and noise both during and after construction (Ibid.). Increased human presence could reduce the likelihood of future wildlife use of the area and therefore push species into more marginal habit or cut off wildlife movement (Ibid.). Indirect impacts to wildlife movement corridors are considered significant, requiring mitigation (Ibid.).

Project components may impact areas designated for protection under the MHCP or the specific guidelines of the City of Carlsbad Subarea Plan (Ibid.). Potential conflicts with a regional resource planning tool such as the MHCP is considered a significant impact; therefore mitigation is required (Ibid.).

With implementation of standard conditions and the above listed mitigation measures, any potential impacts to biological resources will be reduced to a less than significant level (Draft EIR, p. 4-47).

Findings for additional biological resource impacts are described in Sections 2 and 4.

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B. Cultural Resources

1. Potential Significant Impacts

A total of 63 cultural resource sites have been identified within the study area (Draft Program EIR, p. 4.4-8). Twenty out of 50 Water Master Plan projects would result in potentially significant impacts to cultural resources (Draft Program EIR, pps. 4.4-8, 4.4-9, and 4.4-10). For projects in the Sewer Master Plan Update, 15 out of 34 would result in potentially significant impacts (Draft Program EIR, p. 4.4-10, 4.4-11, and 4.4-12). Mitigation would be required (Draft Program EIR, p. 4.4-8). Due to the site-specific nature of cultural resources, a mitigation program must be implemented, as identified in pps. 4.4-12 through 4.4-21 of the Draft Program EIR.

Additional cultural resource impacts are identified in Section 2 above.

Implementation of the proposed Master Plan facilities could involve grading and excavation activities within fossil-bearing geologic formations which could potentially impact significant paleontological resources (Draft Program EIR, p. 4.4-12). Specific locations of potential impact would be those locations considered to be high- to moderately sensitive in paleontological resources. It should be noted that specific information would become available at the time of grading.

Construction of new facilities may disturb fossil-bearing geological strata in almost any location in the city (*Ibid.*). Pipelines are generally constructed in road rights-of-way or existing easements where strata have already been disturbed, so that the potential for intact fossils representing significant paleontological information is low (*Ibid.*). The same condition will prevail at sites of lift stations, reservoirs, and pump stations where prior construction has extensively disturbed the underlying earth materials (*Ibid.*).

2. Findings

The Carlsbad City Council hereby finds that with the implementation of the following mitigation measures, potential impacts to cultural resources will be reduced to less than significant:

- ! Obtain permission from private landowners to survey the fields and yards in order to determine presence/absence of cultural resources. If cultural resources are located then mitigation measure [2] is recommended.

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- ! Test those sites that have not yet been tested so a determination of significance can be made. If the resource is determined to be significant, mitigate through avoidance. If avoidance is not feasible, then mitigation through a data recovery program (see mitigation measure [3]).
- ! If site avoidance, the preferred mitigation measure, is not feasible, then a data recovery program should be completed to recover a large enough sample of cultural material so that information of importance in addressing regional research questions will not be irretrievable lost through impacts.
- ! Provide a qualified archaeological monitor during construction so that buried cultural resources can be identified in the field. Upon identification, the resource should be tested (mitigation measure [2]) to determine significance with appropriate mitigation measures as necessary.

Monitoring Program

An additional mitigation measure is intended for many sites within the study area that are located within developed areas. For these sites, a monitoring program, rather than a test program, is recommended if construction is to occur within or adjacent to the site. Components of such a monitoring program would include, but not be limited to the following:

Prior to Preconstruction (Precon) Meeting

1. Planning Department Plan Check
 - a. Prior to the first Precon Meeting, the Environmental Compliance Officer/Planner (ECO/P) of the Planning Department shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.
2. Submit Letter of Qualification to the Planning Department
 - a. Prior to the first Precon Meeting, the applicant shall provide a letter of verification to the ECO/P stating that a qualified Archaeologist has been retained to implement the monitoring program.

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3. Records Search Prior to Precon Meeting

- a. At least thirty days prior to the Precon Meeting the qualified Archaeologist shall verify that a records search has been completed and updated as necessary and be prepared to introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities. Verification includes, but is not limited to, a copy of a confirmation letter from South Coast Information Center or, if the search was in-house, a letter of verification from the Archaeologist stating that the search was completed.

Precon Meeting

1. Monitor Shall Attend Precon Meetings

- a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Archaeologist, Construction Manager, and/or Grading Contractor. The qualified Archaeologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

2. Identify Areas to be Monitored

- a. At the Precon Meeting, the Archaeologist shall submit to ECO/P a copy of the site/grading plan (reduced to 11x17) that identifies areas to be monitored as well as areas that may require delineation of grading limits.

During Construction

1. Monitor Shall be Present During Grading/Excavation

The qualified Archaeologist shall be present full-time during grading/excavation of native soils and shall document activity via the Consultant Monitor Record. This record shall be sent to the ECO/P, as appropriate, each month.

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a. Monitoring

Trenches Will Include Mainline, Laterals, and all Appurtenances. Monitoring of trenches is required for the mainline, laterals, services and all other appurtenances that impact native soils one foot deeper than existing as detailed on the plans or in the contract documents identified by drawing number or plan file number. It is the Construction Manager's responsibility to keep the monitors up-to-date with current plans.

b. Discoveries

Discovery Process: In the event of a discovery, and when requested by the Archaeologist, or the Principal Investigator (PI) if the Monitor is not qualified as a PI, the Construction Manager (CM), as appropriate, shall be contacted and shall divert, direct or temporarily halt ground disturbing activities in the area of discovery to allow for preliminary evaluation of potentially significant archaeological resources. The PI shall also immediately notify ECO/P of such findings at the time of discovery.

c. Determination of Significance

The significance of the discovered resources shall be determined by the PI. For significant archaeological resources, a Research Design and Data Recovery Program shall be prepared, approved by the agency and carried out to mitigate impacts before ground-disturbing activities in the area of discovery will be allowed to resume.

d. Minor Discovery Process for Pipeline Projects

For all projects: The following is a summary of the criteria and procedures related to the evaluation of small cultural resource deposits during excavation for pipelines.

2. Coordination and Notification

a. Archaeological Monitor shall notify PI, CM and ECO/P, as appropriate.

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3. Criteria used to Determine if it is a Small Cultural Resource Deposit

- a. The deposit is limited in size both in length and depth; and,
- b. The information value is limited and is not associated with any other resources; and there are no unique features/artifacts associated with the deposit.
- c. A preliminary description and photographs, if available, shall be transmitted to ECO/P.
- d. The information will be forwarded to the Planning Department for consultation and verification that it is a small historic deposit.

4. Procedures for documentation, curation and reporting

The following constitutes adequate mitigation of a small historic deposit to reduce impacts due to excavation activities to below a level of significance.

- a. 100 percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of sidewalls, recovered, photographed after cleaning and analyzed and curated.
- b. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
- c. The Final Results Report shall include a requirement for monitoring of any future work in the vicinity.

5. Human Remains

If human remains are discovered, work shall halt in that area and procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) as follows:

- a. Notification
 - 1) Archaeological Monitor shall notify the PI, CM and ECO/P.
 - 2) The PI shall notify the County Coroner after consultation.

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- b. Stop work and isolate discovery site
 - 1) CM/ECO/P, as appropriate, shall stop work immediately in the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the County Coroner in consultation with the PI concerning the origin of the remains and the cause of death.
 - 2) The County Coroner, in consultation with the PI, shall determine the need for a field investigation to examine the remains and establish a cause of death.
 - 3) If a field investigation is not warranted, the PI, in consultation with the County Coroner, shall determine if the remains are of Native American origin.
- c. If Human Remains are Native American
 - 1) The Coroner shall notify the Native American Historic Commission (NAHC). (By law, **ONLY** the Coroner can make this call.)
 - 2) NAHC will identify the person or persons it believes to be the Most Likely Descendent (MLD).
 - 3) The MLD may make recommendations to the landowner or PI responsible for the excavation work to determine the treatment, with appropriate dignity, of the human remains and any associated grave goods (PRC 5097.98).
- d. If Human Remains are not Native American
 - 1) The PI shall contact the NAHC and notify them of the historical context of the burial.
 - 2) NAHC will identify the person or persons it believes to be the MLD.
 - 3) The MLD may make recommendations to the landowner or PI responsible for the excavation work to determine the treatment of the human remains (PRC 5097.98).
 - 4) If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for reinterment of the human remains shall be made in consultation with ECO/P, the landowner, the NAHC and the Museum of Man.

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e. Disposition of Human Remains

The landowner, or his authorized representative, shall reinter the Native American human remains and any associated grave goods, with appropriate dignity, on the property in a location not subject to further subsurface disturbance, IF:

- 1) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
- 2) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.

5. Notification of Completion

The Archaeologist shall notify the ECO/P, in writing of the end date of monitoring.

Post Construction

1. Handling and Curation of Artifacts and Letter of Acceptance

- a. The Archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued, and permanently curated with an appropriate institution; that a letter of acceptance from the curation institution has been submitted to the Planning Department; that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- b. Curation of artifacts associated with the survey, testing and/or data recovery for this project shall be completed in consultation with ECO/P and the Native American representative, as applicable.

3. Final Results Reports (Monitoring and Research Design and Data Recovery Program)

- a. Within three months following the completion of monitoring, two copies of the Final Results Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Archaeological

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Monitoring Program (with appropriate graphics) shall be submitted to ECO/P for approval.

- b. For significant archaeological resources encountered during monitoring, the Research Design and Data Recovery Program shall be included as part of the Final Results Report.

4. Recording Sites with State of California Department of Park and Recreation

The Archaeologist shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Results Report (*Ibid.*).

Paleontological Resources

1. Projects that may impact paleontologically sensitive areas (*i.e.*, formations that have been assigned high or moderate paleontological resource sensitivity), will require paleontological monitoring onsite during all phases of initial and subsequent cutting of undisturbed formational sediments in order to make salvage collections of any invertebrate, vertebrate or paleobotanical fossils that are encountered or unearthed.
2. Collected fossils shall be cleaned and/or prepared to a point of identification, and then curated to museum standards (cataloging of locality and specimen data, numbering, identification, labeling) before being deposited in an appropriate public facility (or facilities) that can provide permanent archival storage (so that specimens are available for future scientific study). A report detailing the mitigation shall be prepared, even if negative, which will include necessary maps, graphics, and fossil lists to document the paleontological monitoring program.
3. Paleontological monitoring will be required for all exposures of the Santiago Formation and of Pleistocene marine terrace and estuarine deposits. A museum collections and records search will precede any field work, in order to more precisely define any areas that might need particular attention during monitoring of construction related activities. Monitoring is not necessary in areas mapped as granitic (tonalite, gabbro) or metavolcanic rock.

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4. These general guidelines shall be followed when planning for a project component which requires paleontological monitoring:
 - a. The paleontologist or paleontological monitor shall attend any preconstruction/pregrading meetings to consult with City/District staff and the excavation contractor.
 - b. The paleontologist or paleontological monitor shall be onsite full-time during excavation into previously undisturbed formations. The monitoring time may be decreased at the discretion of the paleontologist in consultation with the City/District.
 - c. If significant fossils are encountered, the paleontologist shall have the authority to divert or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains, and shall immediately contact the City/District. The determination of significance shall be at the discretion of the paleontologist.
 - d. Construction activities in the area of discovery shall resume upon notification by the paleontologist that fossil remains have been recovered. The paleontologist shall be responsible for preparation of fossils to a point of identification and submittal of a letter of acceptance from a local qualified curation facility. The paleontologist shall record any discovered fossil sites at the San Diego Natural History Museum.
 - e. Within three months following termination of the paleontological monitoring program, the contractor shall provide a monitoring letter report (with appropriate graphics) to the City/District summarizing the results (even if negative), analyses and conclusions of the above program.

3. Supporting Explanation

Gallegos & Associates performed a Cultural Resources Study for the project in May 2003 (Draft Program EIR, p. 4.4-1). The Cultural Resources Study included archaeological record and data review of the project area to determine the recorded patterns of cultural resources within the study area boundaries (Ibid.). From this information and current aerial photographs of the project locations, assessments could be made regarding the potential for cultural resources within the general vicinity of pipelines and facilities. This information also indicated where existing development has precluded the possibility of any cultural resources (Ibid.).

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A record search was conducted at the South Coastal Information Center at San Diego State University and Gallegos & Associates library (*Ibid.*). The record searches principally focused on the locational information for recorded sites. The data from the Information Center was transferred onto the project maps to assess possible conflicts with proposed master plan components (*Ibid.*). The data was also compared to the project aerial photograph series to determine where recorded archaeological sites were destroyed by previous development (*Ibid.*). No surveys were conducted, principally due to the number of projects and miles of project components (*Ibid.*). The Draft Program EIR section identified those project components that would require additional cultural resource investigation when more detailed design project information becomes available (*Ibid.*).

The Cultural Resource Study identified 20 out of 50 Water Master Plan projects that would result in potentially significant impacts to cultural resources (Draft Program EIR, pps. 4.4-8, 4.4-9, and 4.4-10). For projects in the Sewer Master Plan Update, 15 out of 34 would result in potentially significant impacts (Draft Program EIR, p. 4.4-10, 4.4-11, and 4.4-12). Because it is unknown whether cultural resources exist in undeveloped or undisturbed areas or the importance of known sites near the project components, cultural resource impacts are potentially significant, and mitigation would be required (Draft Program EIR, p. 4.4-8).

Construction of new facilities may disturb fossil-bearing geological strata in almost any location in the city (Draft Program EIR, p. 4.4-12). Pipelines are generally constructed in road rights-of-way or existing easements where strata have already been disturbed, so that the potential for intact fossils representing significant paleontological information is low (*Ibid.*). The same condition will prevail at sites of lift stations, reservoirs, and pump stations where prior construction has extensively disturbed the underlying earth materials (*Ibid.*).

With implementation of standard conditions and the above listed mitigation measures, any potential impacts to cultural resources and paleontological will be reduced to a less than significant level (Draft Program EIR, p. 4.4-21).

C. Hydrology and Water Quality

1. Potential Significant Impacts

Construction and operation of a number of project components may require dewatering in pipeline trenches in order to place infrastructures underground. Dewatering of groundwater may result in potential impacts to surface water quality due to the unknown chemical makeup of groundwater (Draft Program EIR, p. 4.7-8). Dewatering and discharge activities are subject to water quality guidelines outlined by the NPDES administered by the San Diego RWQCB. In

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addition to dewatering, stockpiling of soil removed during construction of trenches may result in sediment-laden runoff from construction sites (*Ibid.*). The increase in total dissolved solids, minerals and other inorganic materials may enter local drainages and exceed water quality standards (*Ibid.*). Because violation of water quality standards may occur during dewatering, discharge, and trenching associated with construction of project components, impacts to water quality are considered potentially significant (*Ibid.*).

There are a number of project components located adjacent to the Agua Hedionda Creek and Lagoon, and the Buena Vista Lagoon. These water bodies are identified on the SWRCB's 2002 Section 303(d) List of Water Quality Limited Segments. Under Section 303(d) of the 1972 Clean Water Act, states, territories and authorized tribes are required to develop a list of water quality limited segments. The project components under both master plans that have the potential to affect the 303(d) water bodies are identified in Tables *S-1* and *S-2* of the Draft Program EIR and would result in potentially significant impacts to water quality (Draft Program EIR, p. 4.7-9).

Impacts would also potentially occur to all project components located within the 100-year floodplain, as defined by FEMA (Draft Program EIR, p. 4.7-10). The potentially significant impacts would be associated with the loss of any project components as result of the scouring action by a flood (*Ibid.*).

2. Findings

The Carlsbad City Council hereby finds that with the implementation of the following mitigation measures, potential impacts to hydrology and water quality will be reduced to less than significant:

- ! For projects proposed with the 100-year floodplain, a scour analysis of the floodplains associated with Buena Vista and Agua Hedionda creeks shall be completed during final project design to determine the likelihood for washout of a pipeline or project facility during a flood event. Design and construction specification of the pipeline will incorporate recommendations from the report to ensure that potential impacts from scouring do not compromise the integrity of the pipeline. The list of projects located within the 100-year floodplain is found in *Tables S-1* and *S-2* of the Draft Program EIR.
- ! Dewatering activities will be conducted in accordance with standard regulations of the RWQCB. A dewatering permit will be obtained.
- ! Discharge of groundwater will require a NPDES General Storm Water Permit that will include provisions for implementation of BMPs to reduce potential water quality impacts.

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- ! Material stockpiled during construction shall be placed such that interference with onsite drainage patterns will be minimized or avoided. During rain events, stockpiles shall be covered with impermeable materials such as tarps in order to allow flow from the construction site to occur without excessive sediment loading.
- ! Potential water quality impacts to 303(d) listed water bodies (Agua Hedionda Creek and Lagoon, Buena Vista Lagoon) will be assessed as part of project-level water quality analyses for each individual project component with a potential to affect these water bodies. The list of project components that would potentially affect the 303(d) water bodies is found in *Tables S-1* and *S-2* of the Draft Program EIR.

3. Supporting Explanation

Construction and operation of a number of project components may require dewatering in pipeline trenches in order to place infrastructure underground (Draft Program EIR, p. 4.7-8). Dewatering of groundwater may result in potential impacts to surface water quality due to the unknown chemical makeup of groundwater (*Ibid.*). Dewatering and discharge activities are subject to water quality guidelines outlined by the NPDES administered by the San Diego RWQCB. Because violation of water quality standards may occur during dewatering or discharge, and trenching associated with construction of project components, potential impacts to water quality are considered significant (*Ibid.*).

Regarding cumulative effects, runoff from project construction areas would contribute an incremental increase in flows within the Buena Vista and Agua Hedionda Creek basins and would combine with increases attributable to adjacent developments (Draft Program EIR, p. 5-4). Total runoff in the creek basins would be short-term and would be cumulatively considerable (*Ibid.*). Project-by-project BMPs, including completing scour analyses for projects within 100-year floodplains and obtaining dewatering permits from RWQCB, would reduce sediment loads and downstream erosion to less than significant (*Ibid.*). In addition, compliance of all future projects with applicable federal, state and local regulations for stormwater and construction discharges would reduce cumulative impacts to water quality to a level below significance (*Ibid.*).

With implementation of standard conditions and the above listed mitigation measures, the potential impacts related to hydrology and water quality described above will be reduced to a less than significant level (Draft Program EIR, p. 4.7-11).

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D. Noise

1. Potential Significant Impacts

Temporary impacts are usually associated with noise generated by construction activities. Long-term impacts are associated with impacts on surrounding land uses generated from operation and maintenance of the project related facilities. The construction noise specifics of the various phases of the project warrant additional analysis by technical noise studies prepared in accordance with the applicable CEQA guidelines; all project components would result in a potentially significant noise effect that would require site-specific mitigation measures to reduce impacts to less than significant levels (Draft Program EIR, p 4.9-3). It is assumed that potentially significant impacts would be mitigated by mitigation measures developed at the project level of analysis.

Project related construction noise would have no impact within Open Space areas, as these areas are located in remote locations and devoid of sensitive receptors (Draft Program EIR, p. 4.9-5). However, the associated noise could potentially affect wildlife species which utilize the affected Open Space areas for habitat or migration (Ibid.).

Operation of the project facilities would not create a significant impact on any sensitive receptors with regard to noise (Ibid.). Once constructed, the pipeline segments would not result in any noise impacts as the fluid flow of wastewater within an underground pipeline would not be audible (Ibid.). Occasional maintenance and emergency repair activities will generate some additional noise; however, these activities are sporadic in nature and do not occur at the same location for long periods of time (Draft Program EIR, p. 4.9-6).

The following projects in the Master Plan Updates have the potential for significant noise impacts on nearby receptors:

- ! New water reservoir next to existing D-3 Reservoir (water component 27)
- ! New water reservoir adjacent to the existing Maerkle Reservoir (water component 28)
- ! Maerkle Pump Station Capacity Improvements (water component 29)
- ! Calavera PS Upgrades (water component 36)
- ! Lift station upgrades at the Terramar, Villas, and Gateshead Lift Stations (sewer component 7)

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- ! Home Plant Lift Station Improvements (sewer component 9)
- ! Agua Hedionda Lift Station Improvements (sewer component 32)
- ! South Agua Hedionda/Kelly Ranch Lift Station (sewer component 34) (Draft Program EIR, p. 4.9-5).

2. Findings

The Carlsbad City Council hereby finds that with the implementation of the following mitigation measures, potential noise impacts will be reduced to less than significant:

The projects designated for a noise study in *Tables S-1* and *S-2* of the Draft Program EIR shall be evaluated in the design and environmental Initial Study phases to determine if potential noise impacts in excess of City Noise Control Ordinance limits or the City's Noise Guidelines Manual would result. If such a potential exists, a noise study shall be conducted including recommendations for mitigation. Mitigation shall be designed to assure that noise produced by operation of the facility shall not cause the limits in the Noise Control Ordinance or Noise Guidelines Manual to be exceeded, and any such mitigation shall be required as part of the project.

Also, a site-specific acoustical analysis will be required for any project located within 500 feet of any residential dwellings, which will ensure compliance with the City's construction noise and outdoor noise standards.

3. Supporting Explanation

The highest noise levels associated with construction typically occur with earth moving equipment which includes excavating machinery (Draft Program EIR, p. 4.9-4). Noise levels at 50 feet from earth moving equipment typically range from 73 to 96 dBA (*Ibid.*).

Construction and rehabilitation efforts for the project components would result in noise impacts to various types of sensitive receptors including, residences, businesses, schools, and libraries (*Ibid.*). However, this impact is temporary and would disappear once construction is completed (*Ibid.*). Provided that all construction activities take place between the hours of 7:00 a.m. and 10:00 p.m., no significant impacts would result from construction (*Ibid.*). Construction activities are not anticipated to exceed the noise standards of affected jurisdictions (*Ibid.*). To help minimize the impacts of construction the City shall provide public noticing for their proposed

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construction activities, and will appoint a public liaison who will respond to concerns of neighboring residents about noise and other construction disturbance (Ibid.).

Noise impacts from construction activities would be minimal within industrial and manufacturing districts, as these areas do not contain sensitive receptors and their associated ambient noise levels are generally high (Ibid.). Similarly, project related construction noise would have no impact within Open Space areas, as these areas are located in remote locations and devoid of sensitive receptors (Ibid.). No significant noise related impacts would occur within industrial, manufacturing or open space areas as a result of short-term construction activities (Ibid.).

Once constructed, the pipeline segments would not result in any operational noise impacts as the fluid flow of wastewater within an underground pipeline would not be audible (Ibid.). Occasional maintenance and emergency repair activities will generate some additional noise; however, these activities are sporadic in nature and do not occur at the same location for long periods of time (Draft Program EIR, p. 4.9-6).

Regarding cumulative effects, as development increases in the City, some increases in ambient noise levels is inevitable, with localized effects (Draft Program EIR, p. 5-5). This increase would be due primarily to traffic noise, as roads are constructed to serve new development, and to point sources of noise, such as manufacturing operations, auto repair shops, power tool use at residences and businesses, and a host of other activities associated with urban and suburban life (Ibid.). Some projects would contribute incrementally to this general pattern, especially during short-term construction activities (Ibid.). The City's Noise Ordinance and Noise Guidelines Manual is designed to control the exposure of residents to excessive levels of noise. All CIP projects with a potential for long-term noise production would be evaluated for excessive noise generation and mitigation would be applied on a project-specific basis (Ibid.). Combined with regulation and attenuation of other sources consistent with the Noise Ordinance, the proposed Master Plan Updates' contribution to cumulative noise impacts would be less than significant, and no mitigation is required (Ibid.).

With implementation of standard conditions and the above listed mitigation measure, any potential noise impacts will be reduced to a less than significant level (Draft Program EIR, p. 4.9-7).

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E. Transportation/Traffic

1. Potential Significant Impacts

The project would predominantly result in short-term traffic effects during construction of the various project components (Draft Program EIR, p. 4.10-3). The short-term effects would require additional review once detailed project construction plans become available, and accordingly, traffic impacts for the project components identified in Tables S-1 and S-2 of the Draft Program EIR would be potentially significant.

Pipeline construction activities would require lane closures which could result in short-term impacts to traffic patterns and result in temporary traffic congestion and potential traffic hazards (*Ibid.*). Consequently, portions of the affected roadway links may require detours or flagger assistance to maintain acceptable operation of the roadways, and access to all properties (*Ibid.*). Closing or altering access to individual properties, lane closures, and subjecting any portion of existing roadways to notable increases in construction traffic are considered significant, and mitigation is required (*Ibid.*).

SANDAG's Congestion Management Plan (CMP) requires an enhanced CEQA review for all large projects that are expected to generate more than 2,400 ADT or more than 200 weekday peak hour trips. Since the project is calculated to generate less than these amounts, this level of review is not required of the proposed project and the project is consistent with the goals of the CMP (Draft Program EIR, p. 4.10-5).

Similarly, SANDAG has produced a 2020 Regional Transportation Plan (RTP) in April 2000 that identifies those project needed to improve transportation significantly over the next 20 years. The RTP contains plans and policies to improve mobility in the region by recommending new facilities and the expansion of transit services, programs to manage travel demand, and changes to local land use policies. The proposed project, although temporarily disrupting traffic flow on regional roadways during construction, would not conflict with overall goals of the RTP (*Ibid.*).

2. Findings

The Carlsbad City Council hereby finds that with the implementation of the following mitigation measures, potential short-term noise impacts will be reduced to less than significant:

- ! The Districts will obtain an encroachment permit from respective local and state authorities, as required prior to the commencement of the construction phase within the affected right-of-ways. This process will include submittal of project plans, review of

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plans by the respective authorities, possible revisions of the plans relative to concerns brought forth by the issuing agency and issuance of the respective permit. Potential permitting agencies include Caltrans, North County Transit District (NCTD), Cities, and the County of San Diego. All roadway features (signs, pavement, delineation, roadway surface) and structures with the State right-of-way shall be protected, maintained in a temporary condition, or restored.

- ! A TCP shall be prepared prior to construction and implemented for all affected roadways. The TCP shall be prepared in accordance with Caltrans Manual of Traffic Controls for Construction and Maintenance Work Zones [1996 (Revision 2) edition], and with the City of Carlsbad's traffic control guidelines. It will be prepared to ensure that access will be maintained to individual properties and businesses, and that emergency access will not be restricted. Additionally, the TCP will ensure that congestion and delay of traffic resulting from project construction are not substantially increased and will be of a short-term nature.

The TCP will show all signage, striping, delineate detours, flagging operations, and any other procedures which will be used during construction to guide motorists safely through the construction zone and allow for a minimum of one lane of travel. The TCP will also include provisions for coordinating with local emergency service providers regarding construction times and locations of lane closures as well as specifications for bicycle lane safety.

The limits of construction work area(s) and suggested alternate traffic routes for through traffic will be published in a local newspaper periodically throughout the construction period. In addition, the construction contractor or the Districts shall provide not less than a two-week written notice prior to the start of construction by mailing to owners/occupants along streets to be impacted during construction.

During construction, the Districts shall ensure that continuous, unobstructed, safe and adequate pedestrian and vehicular access to and from public facilities such as public utility stations and community centers will be provided, and to commercial/ industrial establishments. If normal access to these facilities is blocked by construction alternative access shall be provided. Should this occur, the Districts shall coordinate with the businesses or each facility's administrators in preparing a plan for alternative access.

During construction, the Districts shall maintain continuous vehicular and pedestrian access to residential driveways from the public street to the private property line, except where necessary construction precludes such continuous access for reasonable periods of

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time. For example, when a given pipeline segment is initially being excavated, access to individual driveways may be closed during the course of a workday. Access shall be reestablished at the end of the workday. If a driveway needs to be closed or interfered with as described above, the construction contractor shall notify the owner or occupant of the closure of the driveway at least five working days prior to the closure.

Methods to maintain safe vehicular and pedestrian access include the installation of temporary bridge or steel plates to cross over unfilled excavations. Whenever sidewalks or roadways are removed for construction, the contractor shall place temporary sidewalks or roadways promptly after backfilling until the final restoration has been made.

The TCP shall include provisions to ensure that the construction contractor's work in any public street does not interfere unnecessarily with the work of other agencies vehicles, such as emergency service providers, mail delivery, school buses, waste services, or transit vehicles.

- During project design, the Districts shall coordinate with each jurisdiction, as well as its own transit division which may be affected by the project to determine the exact limits of project construction. All work proposed within the State right-of-way shall be dimensioned in metric units. The coordination effort shall be followed by specific measures to avoid conflicts resulting from other construction projects occurring within the direct vicinity of the project and within the same time period.

Coordination with the following entities shall occur in conjunction with the proposed project:

- a. NCTD
- b. Caltrans
- c. Carlsbad Traffic Engineering
- d. Oceanside Traffic Engineering
- e. San Marcos Traffic Engineering

3. Supporting Explanation

Impacts were generally evaluated for portions of the proposed project that would require construction within existing streets (Draft Program EIR, p. 4.10-2). The operational phase of the proposed project would generate minimal traffic required for routine maintenance and emergency repair (Draft Program EIR, p. 4.10-3). Therefore, the proposed project would not result in long-term impacts to traffic (*Ibid.*). Short-term construction traffic would require implementation of a TCP (*Ibid.*). The project TCPs would need to be developed in accordance

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with City of Carlsbad and Caltrans traffic control guidelines and that specifically address construction traffic, traffic safety measures, and use of signage and flag personnel where necessary (Ibid.).

Traffic will be generated during project construction (Ibid.). The primary sources of construction traffic would be workers, delivery of materials and removal of excess material. Approximately 8 to 12 construction workers are expected on a daily basis for each segment of pipe being constructed and/or rehabilitated. An average of four trucks per day to and from the site is anticipated for delivery and removal of materials. A typical pipeline construction area is approximately 30 feet wide and would progress at a rate of approximately 200 feet per day (Ibid.).

Regarding cumulative effects, the proposed project components in the Master Plan Update would contribute to short-term impacts to traffic circulation on local roadways (Draft Program EIR, p. 5-6). Potentially significant cumulative traffic circulation impacts could result over the short-term if multiple projects were under construction simultaneously and in the same general location (Ibid.). Short-term traffic impacts caused by construction of the projects proposed within the study area would result from street closures, increased truck traffic, and disruption of local traffic to residences and businesses (Ibid.). As the CIP projects would be phased over a 20-year period and would not proceed simultaneously, it is anticipated that cumulative short-term impacts to project component roadways could be mitigated to a level of less than significant through coordination and implementation of traffic control plans at the time of construction with the City Engineering Department (for impacts to City roads) and with the planning entities for the Cities of Oceanside and San Marcos (for impacts to roads within their respective jurisdictions) (Ibid.). Encroachment permits are required for all construction affecting public rights-of-way. This permitting process is the control point for the maximum possible reduction of cumulative traffic impacts, and is designed to reduce direct and cumulative impacts to below a level of significance (Ibid.).

With implementation of standard conditions and the above listed mitigation measures, any potential transportation/traffic impacts will be reduced to a less than significant level (Draft Program EIR, p. 4-107).

SECTION 4. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

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The Carlsbad City Council hereby finds that, despite the incorporation of mitigation measures outlined in the Draft Program EIR, the following impacts cannot be fully mitigated to a less than significant level:

A. Cumulative Impacts—Biological Resources

1. Potential Significant Impacts

The City is participating in the MHCP, which is intended to mitigate for the biological impacts of planned growth through the creation of a new process for the issuance of federal and state permits and other authorizations under federal and state law. The City of Carlsbad is developing its own Subarea Plan (the Habitat Management Plan) within the MHCP framework. The end result of the MHCP planning process is to provide a regional conservation plan to mitigate the cumulative effects of growth in the region.

Cumulative impacts of Water and Sewer Master Plan projects occurring in the MHCP focused planning areas would be cumulatively significant considered together with other development projects in the City and region, due to temporary losses in habitat value. Mitigation would be accomplished through the assessment and mitigation of project-specific impacts as individual components of the Master Plans are implemented and, when the MHCP is implemented, through a regional conservation plan in cooperation with CDFG, USFWS, and other cities in the area. The City of Carlsbad HMP will address cumulative biological effects as part of the MHCP process; however, until that document is implemented, cumulative impacts would be significant and would remain unmitigated (Draft Program EIR, p. 5-3).

2. Findings

The Carlsbad City Council hereby finds that with the implementation of the following mitigation measure, potential biological impacts of the Project will be reduced to the extent feasible:

- Mitigation would be accomplished through the assessment and mitigation of project-specific impacts as individual components of the Master Plans are implemented and, when the MHCP is implemented, through a regional conservation plan in cooperation with CDFG, USFWS, and other cities in the area. (Draft Program EIR, p. 5-3).
- The Carlsbad City Council hereby finds that specific economic, legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would sufficiently reduce Project impacts to a less than significant level at this program level of analysis.

3. Supporting Explanation

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Although the City of Carlsbad draft HMP has been approved by the City and California Coastal Commission, the City is awaiting a Biological Opinion (and Take authorization) from USFWS (Draft Program EIR, p. 4.3-12.). Impacts would be significant and would remain unmitigated until the HMP documents are approved by USFWS.

SECTION 5. FINDINGS REGARDING PROJECT ALTERNATIVES

The Carlsbad City Council hereby makes the following findings regarding the feasibility of project alternatives.

A. “No Project” Alternative

1. Description

Under this alternative, the proposed Water and Sewer Master Plans Updates would not be adopted by the City of Carlsbad. This does not mean, however, that the facilities in the Master Plan Updates or other facilities based on development and need in the city, would not be constructed. All projects in the Master Plan Updates could be constructed or implemented on an individual project basis whether or not the Master Plan Updates are adopted (Draft Program EIR, p. 7-2).

2. Findings

The Carlsbad City Council hereby finds that the “No Project” Alternative is not feasible because it is not environmentally superior to the proposed Project and it fails to meet Project objectives.

3. Supporting Explanation

Potential environmental impacts identified in the Draft Program EIR would still be likely to occur under the No Project Alternative (Draft Program EIR, p. 7-2). This alternative would, however, deprive the City of Carlsbad of a valuable planning tool, and one that is informative for those interested in the City’s future plans and facilities (Ibid.).

Many of the projects in the Master Plan Updates are intended to remedy deficiencies that were identified in the modeling of the City’s water and sewer systems or to correct problems or potential problems in the operation of those systems. If the Master Plan Updates were not adopted, the deficiencies and potential problems would remain and would still require remedy through, in most cases, the improvement projects that make up the integrated programs in the Master Plan Update (Ibid.). Likewise, the new projects in the plan are predicated on the

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improvements needed to make the system adequate to serve the city's planned future growth (*Ibid.*). Under the No Project alternative, the same improvements would likely be brought forward for approval as individual projects, but in piecemeal fashion and not as an integrated program that had been evaluated as a single environmental project (*Ibid.*). In addition, the No Project alternative would deprive the City of the opportunity to streamline environmental review of future projects through the use of the Program EIR and subsequent updates (*Ibid.*). For these reasons, the No Project alternative offers no environmental advantages in procedures, impacts, or public information over the proposed Master Plan Update (*Ibid.*).

B. Planning and Land Use Alternatives

1. Description

The Water and Sewer Master Plans Updates were developed using the best available information on population growth; proposed, planned, and forecast growth and development; means of effluent disposal; requirements and recommendations for peak flows, volumes, and facility capacities; and other factors affecting future City wastewater utilities planning. The planning period for the Master Plan Updates is long-term, extending to 2020, and that almost all the factors in such long-range planning are to some degree uncertain. Most land use planning, until projects are implemented as buildout of the City proceeds, is subject to change for a variety of reasons. Thus, District staff will continue to monitor factors likely to affect land use in the City and identify changes that could affect the forecasts and assumptions used to develop the improvement programs in the Master Plan Updates (Draft Program EIR, p. 7-3).

Most of the projects in the Master Plan Updates are upgrading and modification of existing facilities. In such cases, the location of the project is usually fixed. Nonetheless, adjustments are possible because the Master Plan Updates are guiding documents rather than rigid templates (*Ibid.*).

2. Findings

The Carlsbad City Council hereby finds that while the Planning and Land Use Alternatives meet the project objectives, the alternative is not considered environmentally superior.

3. Supporting Explanation

Flexibility in the implementation of the Master Plan Update will occur at the specific project implementation level. Partly as a result of the mitigation program in the Draft Program EIR, evaluation of the individual projects in the Master Plan Updates can occur at the stage of project approval or implementation. Given the speculative and to some degree uncertain nature of future conditions, this process is the only practical way to assure that feasible alternatives to each

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project, if desirable or necessary, are developed (Ibid.). As an example, if development plans approved for a given area change the street pattern in that area, the location of pipelines projected in the Master Plan Updates may change. If density or type of development in a given area changes, the storage capacity needed to serve that area, and thus the size of water reservoirs may change, and the capacity of sewer collection facilities may also change. Individual project review in the planning stage is the only time an informed decision on such matters can occur (Ibid.). Overall, this alternative would meet the project objectives, but would cause the same environmental impacts as the proposed project (Ibid.).

C. Environmentally Superior Alternative

The Guidelines require identification of an environmentally superior alternative. None of the alternatives discussed in the Draft Program EIR is environmentally superior to the proposed Project. Therefore, the Draft Program EIR determined that the proposed Project is the environmentally superior alternative (Draft Program EIR, p. 7-3).

SECTION 6. FINDINGS REGARDING GROWTH INDUCEMENT

The Carlsbad City Council hereby makes the following findings regarding potential growth-inducing impacts:

1. Potential Significant Impact

CEQA Guidelines Section 15126.2 (d) requires that an EIR evaluate the growth-inducing impacts of a proposed project (Draft Program EIR p. 6-2). This evaluation should address the ways in which the proposed project could encourage economic and population growth, or the construction of additional housing, either directly or indirectly (Ibid.).

2. Findings

The Carlsbad City Council hereby finds that adoption of the proposed Project will not cause significant growth-inducing impacts.

3. Supporting Explanation

Generally, growth-inducing projects possess such characteristics as being located in isolated, undeveloped or underdeveloped areas, necessitating the extension of major infrastructure (*e.g.*, sewer and water facilities, roadways, etc.), or those that could encourage “premature” or unplanned growth (*i.e.*, “leap-frog” development). While infrastructure improvements, like those planned in the CIP, raises the issue of growth inducement, the proposed project is not

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considered to be growth inducing because the proposed project would not provide additional long-term employment opportunities, no residences are planned as part of the proposed project, and no extension of services beyond that currently planned for in respective planning documents (e.g., City of Carlsbad General Plan) is associated with the proposed Project (Draft Program EIR, p. 6-3).

In calculating flow projections for the project, the Master Plan Updates relied on recent regional population projections published by SANDAG. The ultimate flow projections were based on existing unit flow generation rates which were then applied to SANDAG 2020 population projections. Therefore, the CIP projects would not generate additional population or cumulatively exceed official regional or local population projections (Ibid.). In addition, because no unplanned growth would be served by the project, the project would not remove an obstacle to growth (Ibid.).

The facilities in the proposed Master Plan Updates are community service facilities, serving an urban infrastructure necessary to support economic and population growth. Their size and capacities are predicated on the projected growth that relates to the type of land use and the SANDAG population estimates and projections (SANDAG 2020 Cities/County Forecast). For that reason, the facilities in the Master Plan do not induce growth guided by the City's planning documents (Ibid.).

SECTION 7. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council hereby declares that pursuant to State CEQA Guidelines Section 15093, the City Council has balanced the benefits of the Project against any unavoidable environmental impacts in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts may be considered "acceptable."

The City Council hereby declares that the Final Program EIR has discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the Program EIR, these effects can be mitigated to a level of less than significant except for unavoidable significant impacts as discussed in Section 4 of these Findings.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended in the Program EIR and/or Project could not be incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the

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unmitigated impacts. The City Council finds that except for the Project, none of the other alternatives set forth in the Program EIR are environmentally superior to the Project or eliminate the unavoidable significant impacts associated with the Project.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, the City Council has determined that the following social, economic, and environmental benefits of the Project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following overriding considerations:

- The Project would make facility improvements on aging water and sewer infrastructure (Draft Program EIR, p. 2-1).
- The Project would increase capacity as necessary (Ibid.).
- The Project would facilitate identified expansion needs (Ibid.).
- The Project would reduce maintenance costs for the respective Districts (Ibid.).
- The Project would reduce the potential for wastewater overflows (Ibid.).
- The Project would afford the City of Carlsbad a valuable, integrated planning tool that is informative for those interested in the City's future plans and facilities (Draft Program EIR, p. 7-2).

The City Council hereby declares that the foregoing benefits provided to the public through the approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that the Project benefits outweigh the unavoidable adverse environmental effects identified in the Program EIR and therefore finds those impacts to be acceptable.

SECTION 8. FINDINGS REGARDING THE MITIGATION MONITORING AND REPORTING PROGRAM

The City Council hereby adopts the Mitigation Monitoring and Reporting Program attached to this Resolution as Exhibit "C." In the event of any inconsistencies between the mitigation measures set forth herein and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

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SECTION 9. FINDINGS REGARDING THE STATUTORY EXEMPTION FOR PROPOSED CONNECTION FEE PROGRAM

The City Council hereby certifies that the proposed connection fee program qualifies as an action that has been determined by the state Legislature pursuant to Section 15273(a)(4) (Rates, Tolls, Fares, and Charges) of the CEQA Guidelines to be statutorily exempt from CEQA. The connection fee program proposed under the Water and Sewer Master Plans Updates is necessary to fund the construction of capital improvement projects proposed in the Master Plans Updates. The proposed fee changes are also necessary to maintain service within the existing service areas of the Carlsbad Municipal Water District and Carlsbad Sewer District. The connection fee program would result in economic effects in that it would update the fee structure used to obtain funds for capital projects (Draft Program EIR, p. 2-6). However, the connection fee program is not subject to CEQA (Ibid.) and is exempt from review under CEQA.